

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 23647 of 2005****For Approval and Signature:****HONOURABLE MR.JUSTICE AKIL KURESHI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment?
 - 2 To be referred to the Reporter or not?
 - 3 Whether their Lordships wish to see the fair copy of the judgment?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder?
 - 5 Whether it is to be circulated to the civil judge ?
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YOGESHWAR CO OP HOUSING SOCIETY LTD. THRO.CHAIRMAN - Petitioner(s)

Versus

STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

MR DAKSHESH MEHTA for the Petitioner
MR PRANAV V SHAH for Respondent No. 1 and 2.
MR TRILOK J PATEL for Respondent No. 3.
Respondent No. 4 - Deleted,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 07/02/2006

ORAL JUDGMENT

1. Rule. Mr. Pranav Shah, learned advocate waives notice of Rule on behalf of Respondent Nos. 1 and 2. Mr. T.J.Patel, learned advocate waives notice of Rule on behalf of Respondent Nos. 3.

2. Learned Advocate for the petitioner submitted that Respondent No.4 is original vendor and he supports the case of the petitioner. For the limited purpose of the present petition, he seeks permission to delete Respondent No.4. Permission granted.

3. At the request of the learned advocates for the parties, the petition is taken up for final disposal today.

4. In the present petition, the petitioner has challenged the order dated 05.12.2005 passed by the District Development Officer, Navsari. By the said order, District Development Officer was pleased to order the removal of the compound wall constructed by the petitioner-society to permit access through a road which was blocked on account of compound wall being constructed. This was meant to be an interim order and proceedings are still pending before the District Development Officer upon remand by this Court by order dated 13.09.2005 passed in Special Civil Application No. 16918 of 2005.

5. After having heard the learned advocates for the parties, since the impugned order is passed at a interim

stage and main proceedings are pending before the District Development Officer, at the request of the learned advocates, I prefer not to give detailed reasons for ultimate conclusion.

6. I find that the District Development Officer ought not to have passed the said order dated 05.12.2005 and that too at interim stage. The same is therefore, quashed. Mr. Patel, learned advocate however, submitted that the proceedings be expedited. The request is reasonable and is accepted.

7. District Development Officer is requested to dispose of the proceedings expeditiously and conclude the same preferably within a period of four months from the date of receipt of copy of this order.

8. The petition is allowed and disposed of accordingly. Rule made absolute to the aforesaid extent. No order as to costs. Direct service permitted.

[Akil Kureshi, J.]

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